

A Regular meeting of the Board of Selectmen was held on March 17, 2011, at 7:00 p.m. in the Francis O'Brien Meeting Room, Town Office Building, 26 Bryant Street, Dedham, Massachusetts. Present were:

Sarah E. MacDonald
James A. MacDonald
Carmen Dellolacono
Michael L. Butler
Paul A. Reynolds

Ms. MacDonald called the meeting to order at 7:00 p.m.

OPEN DISCUSSION

Ms. MacDonald asked if anyone in the audience would like to speak to the Board of Selectmen. Joe Findlen, District 4 Chairman, asked to speak. Ms. MacDonald granted permission to speak. Mr. Findlen informed all that Town Meeting Members will re-organize at the Endicott Estate on April 11, 2011. Additionally, the Mini Town Meeting will be held on May 2, 2011, at the Dedham Middle School.

Sam Celeta, resident, 42 Stoughton Road, asked permission to speak with the Board. Ms. MacDonald granted permission to speak. Mr. Celata discussed with the Board various issues and on-going concerns.

Brian Kenney, resident, Maple Place, asked permission to speak with the Board. Ms. MacDonald granted permission to speak. Mr. Kenney complained about the Town's Website and information that his not posted. He informed all that the site should have, at the very least, basic information. Additionally, he complained that numerous Boards and Committees do not post their meetings on to the website. Mr. Keegan spoke to him about the changes being proposed relative to the website in the Town Clerk's Office—he stated that things will get better going forward.

RECOGNITION OF DEDHAM SAVINGS BANK

Present were: Marie-Louise Kehoe and Donna Greer, Co-Chairmen Dedham 375th Committee
Peter Brown and Rob Erasmi, Dedham Savings

Ms. MacDonald informed all that the Dedham 375th Committee was recently honored to receive some significant sponsorship from Dedham Savings. On behalf of the Town, Ms. MacDonald present Dedham Savings with an Appreciation Plaque made from a piece of Dedham granite, which read, "Dedham Savings a cornerstone partner in our community since 1831, with gratitude from the people of Dedham on the occasion of the Town's 375th Birthday celebration." Ms. MacDonald went on to say that everyone appreciates their support.

Mr. Brown thanked the Board. He went on to say that when they were approached by Donna and Marie-Louise, it was a very simple decision to make—Dedham celebrating their 375 Birthday and Dedham Savings celebrating their 180 Anniversary was a match. Mr. Brown commented that it was not only a privilege but an obligation for Dedham Savings to get involved. Ms. MacDonald accepted the gift,

in the amount of \$65,000.00 and an additional \$25,000.00 provided an application is completed with the Charitable Foundation.

DISCUSSION/VOTE—PERMITS FOR FARMERS' MARKET

The above-referenced agenda item was postponed to and upcoming meeting of the Board of Selectmen.

AQUITAINE, 500 LEGACY PLACE, REQUEST FOR APPROVAL OF "BRUNCH PROVISION"

Representing Aquitaine was: Stephen Dubinsky, Manager

Mr. Dellolacono asked Mr. Dubinsky if there was a demand for liquor at their Brunch. Mr. Dubinsky informed him that there is not a big demand; however, some customers have asked.

Mr. MacDonald reminded all that the Brunch Provision was an article that the Selectmen brought before Town Meeting for approval of the State Statute—Town Meeting approved the article. Mr. MacDonald went on to say that this statute does not apply to everyone, just to Section 12 Restaurant Licenses.

Mr. MacDonald made a motion to approve the Brunch Provision (10:00 a.m. Sundays); seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; and Ms. MacDonald, yes.

REQUEST FOR COMMON VICTUALLER'S LICENSE RE: CHOCOLATE THERAPY, 702 LEGACY PLACE

Representing Chocolate Therapy was: David Griffin, Owner

Mr. Griffin introduced himself to the Board of Selectmen. He informed the Board that he was opening a new shop at Legacy Place which will sell a remarkable line of unique local chocolate-- on the same scale as Godiva. He went on to say that his goal is to bring a line of fine chocolate to Dedham.

Mr. Dellolacono asked Mr. Griffin when he plans on opening the store. Mr. Griffin informed him that once the Common Victualler's License is approved, Ken Cimenio, Town of Dedham Building Commissioner, will approve a Building Permit and he will start the build out next week.

Mr. Butler asked Mr. Griffin if this shop was his first branch. Mr. Griffin responded, "yes". Mr. Reynolds wished Mr. Griffin Good Luck and commented that it was in a good location.

Mr. Griffin informed all that he was very happy to be a part of Legacy Place. Mr. MacDonald thanked him for coming to Dedham. He asked Mr. Griffin if he was the sole proprietor. Mr. Griffin informed him that both he and his wife are starting the business. He went on to say that he has been in business management all of his life with a background in manufacturing. Additionally, the chocolate business is a new career for him which he plans to grow.

SAGRA, 910 WASHINGTON STREET, REQUEST FOR APPROVAL OF "BRUNCH PROVISION"

Representing Sagra Restaurant was: George Tavares, Owner

Mr. Tavares informed that the Board that they are making changes to their restaurant, including a Sunday Brunch, to increase business.

On another matter, Mr. Dellolacono asked Mr. Tavares if his establishment was offering Poker Nights. Mr. Tavares responded that this was not true.

Mr. MacDonald made a motion to approve the Brunch Provision (10:00 a.m. Sundays); seconded by Mr. Dellolacono. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; and Ms. MacDonald, yes.

REQUEST FOR ROADRACE FROM THIRSTY IRISH RUNNING CLUB-EXTENDED SERVICE AREA AT THE V.F.W.

Representing the Thirsty Irish Runners Club were: John McGuirney and Dick Smithley

Due to his involvement with the Thirsty Irish Running Club, Selectman Michael Butler did not participate in the conversation. Mr. Butler did not vote.

Mr. Smithley informed all that the club is having this fundraising run for the benefit of a club member.

Ms. MacDonald asked the different hours requested for service at the V.F.W. (Extended Service area and hours requested is from 10:00 a.m. to 1:00 p.m.). Mr. McGuirney informed the Board that they have arranged for a Police Detail. Additionally, the bartenders are TIPS Certified. Mr. Smithley informed the Board relative to the route of the race, i.e., starting from the V.F.W., Whiting Avenue, Mt. Vernon Street, Adams Street, Circuit Street, Cedar Street, River Street and back to Whiting Avenue.

Mr. MacDonald asked if the liquor will be cash or complimentary. Mr. McGuirney commented, complimentary-- even the bartenders' tips will go to Dana Farber.

Mr. MacDonald made a motion to approve the road race and extend the V.F.W. Liquor Service Area to the location at the Eastern Avenue door right side to the end of the property (Hours of Operation from 10:00 a.m. to 1:00 p.m.); seconded by Mr. Dellolacono. **On the Vote:** Mr. Reynolds, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; and Ms. MacDonald, yes. (Mr. Butler did not participate in the discussion and did not vote.)

DISCUSSION/VOTE REVOCATION RE: DISTRICT CONVENIENCE, 380 WASHINGTON STREET

Present: Perry Makarios, Owner/Manager

Prior to the discussion, Selectman James MacDonald left the room. He did not participate in the District Convenience discussion and vote.

Ms. MacDonald introduced Mr. Makarios. She reminded Mr. Markarios that he came before the Board approximately three/four weeks ago. At that time, he let the Board know that he was making progress and expected his store to be open.

Mr. Markaris commented on the inspections of the major construction of the project and when they were filed—he stated that the inspections were signed off six years ago. He went on to say that he ripped up about sixty feet of plaster-- more work was needed. Mr. Markarios informed the Board that has proceeded with bids from contractors will have those bids for the work by this evening. Ms. MacDonald asked if he had a time line for this project. Mr. Markarios informed her that the work should be done by next week. Ms. MacDonald asked the Board if they had questions for Mr. Markarios.

Mr. Dellolacono commented that Mike Provost, Plumbing Inspector, is very thorough and that is why he picked up on this needed work. Mr. Dellolacono informed all that the work needed requires commercial/copper. Additionally, the plumber who initially did the work did not do the job correctly, and the requirement did not get picked up on. Mr. Dellolacono went on to say that there are reasons that stuff like this happens all the time. Mr. Dellolacono informed Mr. Markarios that his establishment has to get going. Mr. Dellolacono stated that this is the last time he is going to ask, "Give me a realistic opening time?"—Mr. Dellolacono stated that he did not want to hear probably, or next week, three weeks, four weeks—June is coming. Mr. Dellolacono reminded Mr. Markarios that this Board issued Mr. Markarios a Liquor License a year ago—He thought June will be here before Mr. Markarios opens his door for business. Mr. Dellolacono informed Mr. Markarios that he meant what he said when he told him he wanted him open—everybody wants him open. Mr. Markarios responded that he wants his establish open more than anyone else.

Mr. Dellolacono commented that he drives by his store continuously. Additionally, he is in Dedham Square every day and has not seen anyone in the store-- he checks with the Building Inspectors. Mr. Dellolacono informed all that Ken Cimeno, Building Commissioner, thought District Convenience could open a month and a half ago and was close to a finish. Mr. Dellolacono also spoke with Mike Provost, Plumbing Inspector, today--he knew that he was receiving fair bids on the copper. Mr. Dellolacono, once again, stated that he would just like to see him open in a happy way—he asked Mr. Markarios not to be offended in any way with the fact that Board is having him come in. Mr. Dellolacono informed all that the Board of Selectmen like to stay on top of things, like to know what is going on and this opening is taking a very long time to be out of the loop—this is something the Board voted on in June.

Mr. Markarios informed the Board that he was before the Zoning Board of Appeals last night relative to his establishment's situation—Mr. Dellolacono stated, understood.

Ms. MacDonald asked Ms. Baker, Asst. Town Administrator, an administrative question, i.e.—If the Board of Selectmen call for a hearing at the Board's next meeting, which is April 14, 2011, and if Mr. Markarios is open before that time, what happens? Mr. Baker informed her that the Board does not have to take any action. Ms. MacDonald asked Ms. Baker if there would be any negative impact on the license holder's file. Ms. Baker responded, "Not if the Board does not take any action." Additionally, Ms. Baker informed the Board that they have an opportunity to call for a hearing this evening, based on the how the Board's Meeting was posted or the Board could continue this discussion and call for a hearing at the next meeting. She went on to say that the Board could call for the hearing on April 14th tonight; and if he was open, the Board could take no action and there would be no repercussions for Mr. Markarios. Ms. MacDonald informed Mr. Markarios that the Board is not trying to be overly punitive; however, the Board would like to keep the pressure on for him to open. Mr. Markarios stated, "Absolutely, he understood."

Mr. Butler asked what type of license the applicant holds. Ms. Baker informed him that he holds a Wine and Malt Package Store License. Mr. Butler commented for those people who may not be keeping up with this situation-- the Board of Selectmen approves the issuance of licenses in various forms to serve or sell alcohol, various combinations, malts, beer, wine, all-alcoholic. Additionally, what has happened in the past, generally, is that people put that license to work selling or serving alcohol fairly quickly. He went on to say that when a license holder does not use the license quickly or goes out of business and holds it for a period of time, the Board of Selectmen will intervene and take action or before taking action, they will monitor the situation and work with the license holder to make sure that the Board understands what the status is with the license. Mr. Butler informed all that this is what's going on. Additionally, the Board is anxious to have the shop in Dedham Square open—there has been a

long list of reasons why the opening has been delayed; however, the job of the Board of Selectmen, as a regulatory body, is to make sure that they understand the status of the license because if someone has been issued a license and does not use it, the Board will consider a revocation and this is what has been happening with District Convenience over the past several months.

Ms. MacDonald asked if there is any action the Board wishes to take. Mr. Dellolacono commented that he would like to continue this matter until the Board's meeting on April 14th and then call for a hearing at that time. Ms. MacDonald informed him that she thought the Board did not have to take any action at this time; however, she will likely place this matter on the Board's agenda of April 14, 2011. She went on to say that if the store is not open by the 14th, the Board will probably call for a hearing.

Mr. Markarios stated to the Board that he does appreciate it. Mr. Dellolacono asked Mr. Markarios if he fully understands the situation. He went on to say that Mike Provost, Plumbing Inspector, gave a great summary relative to District Convenience.

For clarification, Mr. Reynolds asked Mr. Markarios the date, to the best of his knowledge, for the copper installation. Mr. Markarios stated that this was something that he could not control. He went on to say that he could push. Mr. Reynold asked him, "When you come back, you will be telling the Board about your opening?" Mr. Markarios responded, "Absolutely." Mr. Reynolds commented that he wanted to make sure everyone was aware of the expectations and time line. Mr. Markarios informed all that with inspections, inventory and opening, it will be approximately three weeks. Mr. Reynolds informed Mr. Markarios that he does feel his pain and just wanted to underscore the sentiment of the Board. Ms. MacDonald and Board Members wished him good luck. Mr. Markarios thanked the Board of Selectmen for their patience. (This discussion was continued to the Board's April 14, 2011, Meeting.)

YARDHOUSE, 200 LEGACY PLACE, REQUEST APPROVAL OF "BRUNCH PROVISION"

Representing Yardhouse were: Attorney Peter A. Zahka, 12 School Street, Dedham, MA, and Jane Hannah, Manager

Mr. MacDonald made a motion to approve the Brunch Provision (10:00 a.m. Sundays); seconded by Mr. Dellolacono. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; and Ms. MacDonald, yes.

DISCUSSION & VOTE DEDHAM SQUARE PARKING LOT/PERMITS

Mr. Butler discussed the Dedham Square Improvement Project, signalization traffic patterns and parking. He went on to say that there is a proposal in the plan to revitalize both parking lots in Square. Mr. Butler explained the permits process, i.e., permits 24/7, renew every six months.

Ms. MacDonald informed all the there are presently 26 permits that have been issued at a cost of \$50.00 every six months—total received to the Town is \$1,300.00. Ms. MacDonald went on to say that the timing was good—the present holders of permits can be notified that the permitting will cease at the end of the year. Additionally, the people involved can let the Board know what their needs will be going forward. William Keegan, Town Administrator, informed the Board that the Design Team is working on the plan to increase the overall spaces in the square.

Joe Findlen, District 4 Chairman, informed the Board that he has heard numerous questions relative to parking availability during the Dedham Square Construction Project. Mr. Butler informed him that they

are working these details out with the contractor and businesses. He went on to say that it all depends on Town Meeting approval (several months away). Mr. Keegan informed all that he is looking into seeking permission to park under the bridge and Courthouse lot.

Hana Heald, Dedham Times, asked if there will be Parking Meters after the project is completed. Mr. Keegan informed her that there will be Parking Pay Stations—15 areas across Dedham Square. Mr. Butler added that there has been no discussion relative to fees. Mr. Findlen informed the Board that these are questions that need answers before Town Meeting. Mr. MacDonald commented that there will be multiple presentations before Town Meeting. He went on to say that the Dedham Square Plan is really a showcase.

Mr. Butler made a motion to dissolve the Payment Fee Parking Structure in the Town permitted lot; seconded by Mr. Dellolacono. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; and Ms. MacDonald, yes.

Mr. Dellolacono asked that all permit holders be notified of the change. Ms. MacDonald asked to include feedback in the notification.

DISCUSSION & VOTE ON 2010 BOARD OF SELECTMEN'S EXECUTIVE SESSION MEETING MINUTES

The above-referenced agenda item was postponed to a future Board of Selectmen's Meeting.

DISCUSSION & VOTE SPECIAL TOWN MEETING WITHIN THE ANNUAL TOWN MEETING

Mr. MacDonald made a motion to call for a Special Town Meeting within the Annual Town Meeting 6:45 p.m., May 16, 2010, closing warrant on March 21, 2011 and accepting articles at the Board's meeting on March 22, 2011; seconded by Mr. Dellolacono. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; and Ms. MacDonald, yes.

Action by the Board

Pink Mother's Day – Dedham Goes Pink

Representing the Group was Mara Gorden. Ms. Gorden informed all of the Avon Walk for Breast Cancer and Pink Dedham fundraiser awareness. She went on to say that Steve MacDougall from the Fire Department is on board and will bring a pink Fire Truck to the Pink Dedham event. Additionally, Devaney Oil will bring their pink Oil Truck. Ms. Gorden requested permission to have the event, open to the public and display the trucks in the Town Municipal Parking Lot located on Eastern Avenue.

William Keegan, Town Administrator, asked if the organizers checked with the Dedham Fire Chief. Nancy Baker, Asst. Town Administrator replied, "yes". Mr. Dellolacono commented that the organization does very important work and he wished them well in their endeavor—Mr. Reynolds echoed Mr. Dellolacono. Mr. Butler suggested using the DPW Electronic Message Board to publicize and lead people to the event.

Approval of Board of Selectmen's Meeting Minutes—September 15, 2010, November 15, 2010 and November 24, 2011

Mr. MacDonald made a motion to approve the Board of Selectmen's Meeting Minutes of September 15, 2010, November 15, 2010 and November 24, 2010; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; and Ms. MacDonald, yes.

Town Administrator's Report

William Keegan, Town Administrator, discussed the following items with all—Update All American City, Departure of Council on Aging Director, Update Dedham Square Project, Update Finance Committee and Capital Expenditures Committee, and update relative to the visit of Dr. Akira Imagawa, Doshisha University, Kyoto, Japan, with the Town Administrator.

OLD/NEW BUSINESS

Mr. MacDonald commented on a discussion he had with Mr. Dellolacono relative to the Capital Expenditures Committee and Mitigation Committee.

Mr. Reynolds informed all of Dedham Library innovation event, "One Book, One Town" on March 28, 2011—Town book chosen was, "To Kill a Mockingbird". Additionally, the Oakdale Alliance is having a southern tea on April 5, 2011. Mr. Reynolds informed all that the Avery Re-Use Committee had their second meeting and scheduled the next meeting for April 11, 2011.

Mr. Dellolacono congratulated the Dedham Pins for achieving 2nd Place. On another matter, Mr. Dellolacono informed all that Fred Civian, Conservation Commission, apologized to him for statements made. Mr. Dellolacono commented that going forward, he should think before he speaks. Mr. Dellolacono informed all that there will be a fundraiser for DeeDee Spada on April 22, 2011, at Moseleys—tickets are \$20.00. There will be music and a live auction.

Rick's Pub

Relative to Rick's Pub, 36 Saw Mill Lane, Ms. MacDonald asked for a motion to all for a Revocation Hearing at a future meeting of the Board of Selectmen.

Mr. Dellolacono made a motion to call for a Revocation Hearing for Rick's Pub, 36 Saw Mill Lane, Dedham, MA, on April 14, 2011, for lack of Liability Insurance; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. Dellolacono, yes; and Ms. MacDonald, yes. (Mr. MacDonald abstained from vote.)

Ms. MacDonald asked the Board of Selectmen to consider holding a Tax Information Session for small businesses. Additionally, she asked someone from the Assessors' Office to speak relative to the process.

Mr. MacDonald made a motion to enter into Executive Session relative to Chapter 39, Section 23B, for the purpose of discussing potential acquisition of Real Property; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes, and Ms. MacDonald, yes.

The Board did not reconvene in Open Session.

The meeting adjourned at 9:45 p.m.

This is to certify that the above is a true and accurate record of the Minutes of the Board of Selectmen's Meeting held on March 17, 2011, which Minutes were approved on October 6, 2011.

Sarah E. MacDonald, Chairman